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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,255	12/28/2001	Kazutaka Maeda	111319.01	6179
7590		12/09/2005		
Oliff & Berridge, PLC PO Box 19928 Alexandria, VA 22320			EXAMINER TUGBANG, ANTHONY D	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,255

Applicant(s)

MAEDA ET AL.

Examiner

A. Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 8-10 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7 and 11 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/394,526.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/28/01</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. The restriction requirement dated November 17, 2004 is hereby withdrawn in light of the Preliminary Amendment filed on December 28, 2001, which cancels Claims 12-13. Any delay in prosecution is deeply regretted. An action on the merits of Claims 1-11 is as follows.

### ***Priority***

2. In the preliminary amendment filed on December 28, 2001, the specification was amended to include the reference to the parent application, i.e. 09/394,526. However, this reference does not include the current status of the parent application where the application is now abandoned. The reference must include the current status.

### ***Claim Objections***

3. Claims 4, 5 and 8 are objected to because of the following informalities.

Each of the claims includes language that is awkwardly worded and the examiner suggests the following changes to correct mere informalities with the language. The changes suggested do not in anyway affect the scope of the claimed invention.

In Claim 4, "cylinder" (line 4) should be replaced with --cylinders of said first pair--; and after the phrase of "the other" (line 5), --said twister cylinder of said first pair-- should be inserted.

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In Claim 5, “cylinder” (line 7) should be replaced with --cylinders of said second pair--; and after the phrase of “the other” (line 8), --twister cylinder of said second pair-- should be inserted.

In Claim 8, the terms “radial layers” (line 7) should be hyphenated and replaced with --radial-layers--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohmi et al 5,266,858.

Regarding Claim(s) 1, Ohmi discloses an apparatus comprising the following structure: a first means (inner jig 5 and outer jig 4) for holding conductor members; a second means (rack 7) for moving the first means in the circumferential direction of the stator; and a third means (ejection member with pins 13) for moving the first means in the axial direction of the stator (see col. 6, lines 33-38).

Regarding Claim(s) 2 and 3, Ohmi further teaches that the first means includes a first pair 4, 5 of twister cylinders coaxially disposed with each other (see Fig. 2) where the structure of each pair is capable of rotating in a direction opposite to each other (see arrows in Fig. 2).

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Regarding Claim(s) 4, Ohmi further shows that each pair of twister cylinder includes a plurality of holes (slots 4a and 5a in Fig. 4a) where the holes 4a of one twister cylinder 4 of the first pair is radially spaced apart from the holes 5a of the other twister cylinder 5 of the first pair.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmi et al in view of Inoyama et al 4,041,294.

Regarding Claim(s) 11, Ohmi discloses an apparatus comprising the following structure: two twister cylinders 4, 4 corresponding to radial layers of slots 4a, 5a; a rotating mechanism (rack 7); and an elevating mechanism (ejecting member with pins 13).

Ohmi teaches substantially all of the structural limitations of the claimed apparatus except a controller (as required in each of Claims 6 and 11).

However, the use of a “controller” to control the overall operations of the manufacturing apparatus of Ohmi, including the second and third means (i.e. rotating and elevating mechanisms) is well known in the art of manufacturing rotary electric machine stators. As evidence of obviousness, the examiner cites Inoyama et al which teaches the use of a controller

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with a control circuit for the purpose of having the manufacturing apparatus more automated saving man hours (see col. 1, lines 10-17 and lines 36-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Ohmi by including a controller, as taught by Inoyama, to positively allow the apparatus to perform more automated functions during manufacture.

*Allowable Subject Matter*

8. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 8-10 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter.

Regarding Claim(s) 5, the prior art does not teach all of the limitations of the claimed apparatus including structure that the first means further includes a second pair of twister cylinders coaxially disposed adjacent to the first pair twister cylinders at a second distance, with of the second pair of twister cylinders including a plurality of holes disposed circumferentially at equal intervals.

Regarding Claim(s) 8, the prior art does not teach all of the structural limitations of the claimed apparatus further including the structure having four of twister cylinders, respectively rotatable about an axis.

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Moreover, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ohmi by adding the structural features above because to do so would destroy the invention of Ohmi. The intent of the apparatus of Ohmi is to utilize a first means with only two twister cylinder and to use more twister cylinders would destroy the structure of the apparatus of Ohmi shown in Figure 3.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'A. Dexter Tugbang', with a long horizontal flourish extending to the right.

**A. Dexter Tugbang**  
**Primary Examiner**  
**Art Unit 3729**

November 1, 2005